

REMARKS

Applicants have reviewed this Application in light of the Election/Restriction Requirement mailed September 3, 2008. Claims 1-31 and 33-35 are pending and subject to a species restriction requirement.

The Examiner required an election of the claimed invention between the following groups:

- Group I. Claims 1-9, drawn to a first and second triangular zones, which do not share any vertex, classified in class 345, subclass 173.
- Group II. Claims 10-13, 25-31, and 33-35, drawn to triangular zones defined by a single light receiving element and a plurality of light emitting elements, classified in class 345, subclass 173. (**Note:** the Examiner indicated that Group II includes Claims 10-13 and 25-35; however, Claim 32 was previously cancelled. Applicants have corrected Group II accordingly.).
- Group III. Claims 14-24, drawn to a first light emitting element aimed at a midpoint between the first light receiving element and a second light receiving element, classified in class 345, subclass 173.

Applicants hereby elect without traverse to prosecute Claims 10-13, 25-31, and 33-35, Group II. Claims 1-9 and 14-24 (Groups I and III) are hereby cancelled without prejudice or disclaimer. Applicants reserve the right to file one or more continuing applications for the subject matter of cancelled Claims 1-9 and 14-24 at a later date.

Applicants have amended independent Claims 25 and 30, as shown above. These amendments should not require a new search, and do not affect Applicants' pending arguments regarding the allowability of Claims 25 and 30.

Applicants reproduce below the pending arguments for regarding the allowability of the pending claims 10-13, 25-31, and 33-35, taken from Applicants' "Amendment and Request for Continued Examination" filed on August 5, 2008.

Rejections under 35 U.S.C. §103

Claims 1-31 and 33-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,355,149 issued to Mark W. Casebolt ("*Casebolt*") in view of U.S. Patent 4,703,316 issued to Terry G. Sherbeck ("*Sherbeck*").

Applicants respectfully submit that *Casebolt* and *Sherbeck*, alone or in combination, do not teach every element of Applicants' amended claims, as discussed below.

Amended Independent Claim 10

Amended independent Claim 10 recites, in part:

10. A method of determining the location of a touch event within a display area surrounded by a touch frame having a plurality of light emitting elements and a plurality of light receiving elements forming a plurality of triangular zones of light beam paths, each triangular zone being defined by a single light receiving element and a plurality of light emitting elements, the number and positioning of receivers being sufficient to form partially overlapping zone pairs such that the touch event lies within at least two zone pairs, said method comprising:
(emphasis added)

Sherbeck does not teach "each triangular zone being defined by a single light receiving element and a plurality of light emitting elements," as recited in amended Claim 10. Just the opposite, *Sherbeck* teaches triangular zones defined by a single light emitter (one of LEDs D0-D3) and an array of light detectors (one of arrays T_R and T_L). (col. 2, lines 22-37; Figure 1). This difference is meaningful in at least some embodiments or applications. For example, Applicants discuss the advantage of using a reduced number of light emitting detectors in embodiments using relatively expensive IrDA light receivers. (*see, e.g.*, Applicants' Specification, page 7, lines 23-27). *Casebolt* also does not teach these features of amended Claim 10.

For at least these reasons, Applicants respectfully request reconsideration and allowance of amended Claim 10, as well as Claims 11-13 that depend from Claim 10.

Amended Independent Claims 25 and 30

Amended independent Claim 25 recites, in part:

25. A method of determining the location of a touch event within a display area surrounded by a touch frame having a plurality of light emitting elements and a plurality of light receiving elements forming a plurality of triangular zones of light beam paths each having a slope and endpoints, each triangular zone defined by a single light receiving element and a plurality of light emitting elements, the number and positioning of receivers being sufficient to form partially overlapping triangular zones such that the touch event is fully located within each of at least four triangular zones having four different associated light receiving elements, said method comprising:
(emphasis added)

The Examiner acknowledges that *Casebolt* does not teach triangular zones, but alleges that *Sherbeck* teaches such features. (Final Office Action dated July 24, 2008, p. 11) The Examiner alleges that *Sherbeck* teaches partially overlapping triangular zones and a touch event fully located within at least four different triangular zones, as discussed above regarding the rejection of Claim 1. (*Id.*)

Although Applicants do not necessarily agree with the Examiner's assertions, Applicants have amended the Claims to advance prosecution. In particular, as shown above, Claim 25 is amended to recite that each triangular zone is defined by a single light receiving element and a plurality of light emitting elements, and that a touch event is fully located within at least four triangular zones having four different associated light receiving elements.

Sherbeck clearly does not teach these features. First, none of the alleged "triangular zones" of *Sherbeck* defined by the Examiner is defined by a *single* light receiving element. Just the opposite, as discussed above regarding Claim 10, *Sherbeck* teaches triangular zones defined by a single light emitter (one of LEDs D0-D3) and an *array of light detectors* (one of arrays T_R and T_L). (col. 2, lines 22-37; Figure 1).

Second, even if it were somehow possible to swap *Sherbeck*'s light emitters with *Sherbeck*'s light detectors such that each triangular zone included only a single detector (rather than a single emitter), at least three of the alleged "triangular zones" of *Sherbeck*

defined by the Examiner (the alleged second, third, and fourth zones) would include the same detector. Thus, *Sherbeck* could not teach a “touch event is fully located within each of at least four triangular zones having four different associated light receiving elements,” as recited in amended Claim 25.

For at least these reasons, Applicants respectfully request reconsideration and allowance of amended Claim 25, as well as Claims 26-29 depend from Claim 25. In addition, for analogous reasons, Applicants respectfully request reconsideration and allowance of amended Claim 30, as well as Claims 31 and 33-35 that depend from Claim 30.

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CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration and allowance of all pending Claims 10-13, 25-31, and 33-35.

Applicants believe no fees are due. However, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-2148 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2689.

Respectfully submitted,
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